

EXHIBIT A

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Richard Johnson and Johnson's Moving & Storage, LLC)

Plaintiff(s))

vs.)

Harbortouch Payments, LLC)

Defendant(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015-CP - 10- 1947

Submitted By: David P. Traywick, Esq.
 Address: 875 Lowcountry Blvd, Ste 204, Mt.
 Pleasant, SC 29464

SC Bar #: 78502
 Telephone #: 843-343-5092
 Fax #: 843-300-1051
 Other:
 E-mail: dpt@traywicklaw.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings of other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input checked="" type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)
<input type="checkbox"/> Other (799) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input checked="" type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Sexual Predator (510) | | |

Submitting Party Signature: Jeff Carter

Date: April 2, 2015

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT
Richard Johnson and Johnson's Moving & Storage, LLC.,	C/A: 2015-CP-10- 1947
Plaintiffs,	SUMMONS BY
vs.	2015 APR -6 PM 12:19 JULIE J. ARMSTRONG CLERK OF COURT
Harbortouch Payments, LLC.,	
Defendant.	

To the Defendant above named:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribed at their office, 875 Lowcountry Blvd., Suite 204, Mt. Pleasant, SC 29464, within thirty (30) days after the service hereof, exclusive of the day of service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs will apply to the Court for entry of default as to all relief requested herein.



David P. Traywick
Benjamin A. Traywick
Meredith Ann Carter
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843-697-8725
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ben@traywicklaw.com
meredith@traywicklaw.com
Attorneys for the Plaintiffs

Charleston, South Carolina
Date: April 2, 2015

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT
Richard Johnson and Johnson's Moving & Storage, LLC.,	C/A: 2015-CP-10- 1947
Plaintiffs,	COMPLAINT (Jury Trial Demanded)
vs.	
Harbortouch Payments, LLC.,	
Defendant.	

FILED
2015 APR -6 PM 12:19
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

COME NOW THE PLAINTIFFS, complaining of the Defendant, allege as follows:

Parties and Venue

1. Plaintiff Richard Johnson is a resident of Charleston County, South Carolina. Plaintiff Johnson's Moving & Storage, LLC. (Johnson's Moving) is a South Carolina limited liability company headquartered in Charleston County.
2. Defendant Harbortouch Payments, LLC. (Harbortouch) is a Pennsylvania limited liability company which conducts business in Charleston County, South Carolina.
3. This action arises out of wrongful and unlawful conduct of the Defendant, which was carried out within Charleston County, South Carolina.
4. This court has personal and subject matter jurisdiction and venue is proper.

General Allegations

5. The Defendant provides payment and transaction processing services for the Plaintiffs through Plaintiff Johnson's Moving's merchant processing account with the Defendant.
6. Upon information and belief, it is the Defendant's practice to withhold funds from a merchant when the merchant's customer disputes a charge. Once a dispute is resolved in favor of a merchant, the withheld funds are released to the merchant.

7. The Defendant is currently withholding from the Plaintiffs approximately \$35,000.00 in funds despite the fact that the disputes concerning these funds have been resolved in favor of the Plaintiffs. The Defendant has refused to respond to the Plaintiffs' requests for information concerning said funds.

For a First Cause of Action
(Breach of Contract)

8. The Plaintiffs reallege each prior paragraph of this Complaint as if fully set forth herein verbatim.

9. The Plaintiffs entered into a binding contract with the Defendant in which the Defendant provides the Plaintiffs with payment and transaction processing services.

10. The Defendant has failed to release funds rightfully belonging to the Plaintiffs for approximately 6 months and has refused to respond to the Plaintiffs' requests for information about when said funds will be released.

11. The Defendant's failure to release the withheld funds and refusal to respond to the Plaintiffs' requests for information concerning the release of the withheld funds constitute material breaches of the contract and have proximately caused damages to the Plaintiffs in amounts to be proven at trial.

For a Second Cause of Action
(Violations of South Carolina Unfair Trade Practices Act)

12. The Plaintiffs reallege each prior paragraph of this Complaint as if fully set forth herein verbatim.

13. South Carolina prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.

14. As more fully described above, the Defendant's acts and practices are likely to deceive, constituting a fraudulent business act or practice. This conduct is ongoing and continues to this date.

15. The Defendant engaged in deceptive business practices, policies and procedures with respect to payment and transaction processing services and related matters by engaging the acts alleged in Paragraph 7, hereinabove.

16. Moreover, the Defendant failed to act in good faith as it took fees for services but did not render services competently and in compliance with applicable law and in accordance with applicable standards of care.

17. The foregoing acts and practices have caused substantial hardship to the Plaintiffs and to South Carolina consumers.

18. As a direct and proximate cause of the unlawful, unfair and fraudulent acts and practices of the Defendant, the Plaintiffs and South Carolina consumers have suffered and will continue to suffer damages in the form of unfair and unwarranted fees and charges, as well as improper, unfair and illegal seizures of personal property.

19. By reason of the foregoing, the Defendant and/or its agent(s) and/or principal(s) have been unjustly enriched and should be required to disgorge illicit profits and/or make restitution to the Plaintiffs and other South Carolina consumers who have been harmed, and/or be enjoined from continuing in such practices pursuant to South Carolina's Unfair Trade Practices Act. The Plaintiffs are therefore entitled to injunctive relief and attorneys' fees and treble damages as available under South Carolina's Unfair Trade Practices Act.

For a Third Cause of Action
(Conversion)

20. The Plaintiffs reallege each prior paragraph of this Complaint as if fully set forth herein verbatim.

21. The Plaintiffs have an interest in personal property which is in the possession of the Defendant.

22. The Defendant has converted said property for its personal use.

23. The Plaintiffs have not given the Defendant permission to use said property for the Defendant's personal use.

24. As a direct and proximate result of the Defendant's actions the Plaintiffs have suffered damages in an amount to be determined at trial.

WHEREFORE, the Plaintiffs pray to this Honorable Court for judgment against the Defendant and for all available damages, including treble damages, costs and attorneys' fees, punitive damages and interest, and for whatever other relief this Court deems just and equitable.



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Attorneys for the Plaintiffs

April 2, 2015



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MEREDITH ANN CARTER
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April 2, 2015

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad St., Suite 106
Charleston, SC 29401

Re: Richard Johnson and Johnson's Moving & Storage, LLC v. Harbortouch Payments, LLC
Case No.: 2015-CP-10- 1947

Dear Ms. Armstrong:

Please find enclosed an original Summons and Complaint, along with two copies regarding the above-referenced matter. Also enclosed, please find a firm check in the amount of \$150.00 for the associated filing fee. Please return two clocked copies in the self-addressed stamped envelope provided for your convenience. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Lea E. Mason,
Paralegal to David P. Traywick,
Benjamin A. Traywick, and
Meredith Ann Carter

LEM
Enclosures

<p>STATE OF SOUTH CAROLINA</p> <p>COUNTY OF CHARLESTON</p> <p>Richard Johnson and Johnson's Moving & Storage, LLC,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Habortouch Payments, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT CASE NO: 2015-CP-10-1947</p> <p style="text-align: right;">PROOF OF SERVICE</p> <p style="text-align: right;">FILED APR 22 PM 12:38 CLERK OF COURT J. ARMSTRONG</p>
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I, Meredith Ann Carter, of the Law Offices of Traywick & Traywick, LLC, counsel for the Plaintiffs, do hereby certify that on April 17, 2015, I served copies of Plaintiffs' Summons and Complaint by causing copies of the same to be mailed, certified mail, return receipt requested, restricted delivery onto Jordan Frankel, Esq., General Counsel and Senior Vice President of Harbortouch Payments, LLC, 2202 N. Irving St., Allentown, PA 18109 as evidenced by the attached green card.



Meredith Ann Carter, Esquire
TRAYWICK & TRAYWICK, LLC
875 Lowcountry Boulevard, Suite 204
Mount Pleasant, South Carolina 29451
Phone: (843)343-9070
meredith@traywicklaw.com

Mt. Pleasant, South Carolina
Date: April 20, 2015

2015-1947

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <i>[Signature]</i> <div style="float: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: Jordan Frankel, Esq. General Counsel and Senior Vice President Harbortouch Payments, LLC 2202 W. Irving St. Allentown, PA 18109		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 4-7-75
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7014 2870 0002 3148 4175	
PS Form 3811, July 2013 Domestic Return Receipt			

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2015 APR 22 PM 12:38

FILED



**TRAYWICK
& TRAYWICK**

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April 20, 2015

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad St., Suite 106
Charleston, SC 29401

RE: Richard Johnson and Johnson's Moving & Storage, LLC v. Harbortouch
Payments, LLC
Case No: 2015-CP-10-1947

Dear Ms. Armstrong:

Please find enclosed a Proof of Service upon Harbortouch Payments, LLC. Please place this in line for filing with the Court. Should you have any questions or comments, please do not hesitate to contact me.

TRAYWICK & TRAYWICK, LLC

Lea E. Mason
Paralegal to David P. Traywick,
Benjamin A. Traywick, and
Meredith Ann Carter

LEM
Enclosures